



DEPARTMENT OF LAW
OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

JOHN A. LASOTA, JR.
ATTORNEY GENERAL

August 9, 1978

The Honorable Carmen F. Cajero
Arizona State Representative
State Capitol, House Wing
Phoenix, Arizona 85007

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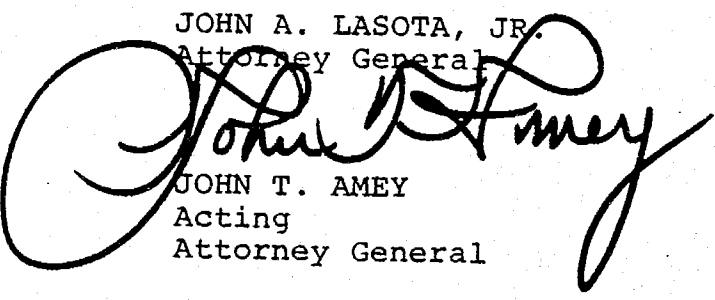
Re: 78-212 (R76-407)

Dear Representative Cajero:

Your opinion request R76-407 was answered by this Office on August 1, 1978. Due to a clerical error, our opinion was numbered incorrectly. The opinion should be numbered 78-212 instead of 78-204; this in no way changes the substance of our opinion.

Very truly yours,

JOHN A. LASOTA, JR.
Attorney General


JOHN T. AMEY
Acting
Attorney General

JTA:ls



DEPARTMENT OF LAW
OFFICE OF THE
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STATE CAPITOL
Phoenix, Arizona 85007

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JOHN A. LASOTA, JR.
ATTORNEY GENERAL

August 8, 1978

The Honorable Carmen F. Cajero
Arizona State Representative
State Capitol, House Wing
Phoenix, Arizona 85007

Re: 78-²¹⁰~~204~~ (R76-407)

Dear Representative Cajero:

This is in response to the following question you posed: "Would statutory authorization be required to allow political entities to provide retirement credit for unused sick leave days?"

Presently, unused sick leave days have no bearing whatsoever on credited service or the amount of retirement benefits payable under the retirement system laws. Under the State Employees Retirement System (Article 2, Chapter 5, Title 38, Arizona Revised Statutes) service is earned through compensated employment and the amount of retirement benefit payable to the retiring System member is based upon his prior service credit, if any, and the amount of employer and employee contributions credited to his account. A.R.S. § 38-759. Under the Retirement Plan (Article 2.1, Chapter 5, Title 38, Arizona Revised Statutes), credited service likewise is based upon compensated employment and contributions to the Plan. The amount of retirement benefit payable to the retiring Plan participant is calculated under a formula that combines the participant's years of credited service, average monthly compensation and prior service. A.R.S. § 38-781.07.

Retirement credit for unused sick leave may be granted only if appropriate legislation is enacted authorizing such credit.

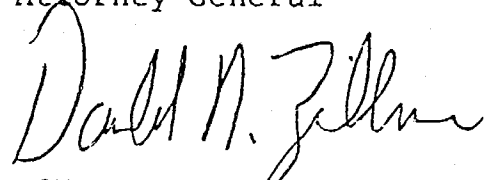
Office of the
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Phoenix, Arizona

Honorable Carmen F. Cajero
August 8, 1978
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We suggest that you contact members of the joint study committee on retirement that has been headed by Senator Osborn and Representative Ratliff.

Very truly yours,

JOHN A. LASOTA, JR.
Attorney General

A handwritten signature in dark ink, appearing to read "Donald N. Zillman". The signature is written in a cursive, flowing style.

DONALD N. ZILLMAN
Special Assistant
Attorney General

JAL:kk